

TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
August 3, 2005

Board Present: Chairman Mike Roberts, Evelyn Kalloch, Dan Remian, CEO Scott Bickford and Secretary (pro tem) Crystal Robinson

Board Absent: Bob Ellis and Arthur Kiskila

Also Present: Chet Knowles

Call to Order: The Chairman called the meeting to order at 7:00 pm.

1. Far Meadows Subdivision plan, previously approved subject to DOT permit, which has now been received, presented for signatures: Chairman Roberts asked the members to sign the Mylar and paper copies of Cyrus Holmes' plan approved on June 1, 2005. Mr. Bickford noted that the T-turnaround was indicated on the plans. Mrs. Kalloch took a set of the plans for Garnett Robinson.

2. Minutes of Previous Meeting:

ACTION: Mr. Remian made a motion, seconded by Mrs. Kalloch, to accept the minutes of the 6/1/05 meeting, as corrected by the secretary.
Carried 3-0-0

3. Peter and Susan McBean, application for an addition to their home in the Shoreland Zone, Map 4, Lot 28A, off Pleasant Point Road: Mr. and Mrs. McBean appeared before the PB to present their application. Mr. Bickford said he had not yet reviewed the plan. Mrs. Kalloch asked the size of the existing septic field. Mr. McBean said he had a 1,000-gallon tank but did not know the size of the leach field, which Mrs. McBean thought had been installed in 1982. Mr. Bickford ascertained that the McBean's had one bedroom and would be adding another; thus, the minimum size leach field would be adequate since it could accommodate two bedrooms. Mr. Roberts noted that the house was 95' from the high tide line; well over the 75' Shoreland Zone demarcation. Mr. Bickford said he would verify the 95' figure. Mrs. Kalloch asked if the addition would include a garage. Mr. McBean explained that the addition would be on two levels: a basement garage level and a living space on the floor above.

Mr. Roberts said he thought the plan was straightforward and the PB was ready to take a vote. Mr. McBean offered a drawing of the floor plans of the proposed addition and Mr. Roberts said they were not necessary. Mrs. Kalloch asked for a copy for Garnett Robinson and Mr. Bickford also took a copy.

ACTION: Mr. Remian made a motion, seconded by Mrs. Kalloch, to accept the application.
Carried 3-0-0

4. Phil and Deborah McKean, application for a pier permit, Map 5, Lot 105, on Osprey Lane, presented by Art Tibbetts, Marine Contractor: Mr. Roberts introduced the application and asked if Art Tibbetts was present. Mr. Tibbetts was not present, though he had sent a packet to the CEO. Mr. McKean offered to represent his own application in the absence of Mr.

Tibbetts. Mr. Roberts established that the McKean's property was on Osprey Lane and they wanted to build a new pier on the footing of one that had been lost ten years ago. Mr. McKean said there were two existing granite piers, one on the shore and one about 40' out into the water. Mr. McKean planned a walkway attached to a simple system for stepping down onto a wharf. Mrs. Kalloch asked if the abutters had been notified and his intentions had been published in the newspaper. Mr. McKean said he had done both.

Mr. Roberts said he had had little experience with docks during his PB term and asked CEO Bickford for some guidance. Mr. Bickford referred him to Page 14 of the Shoreland Zoning Ordinance. Mr. Roberts read from this, noting that the portions of the pier below the high water line were subject to state and federal regulations. The CEO said the PB's purview was simply the portion of the structure that was on land. Referring to the Land Use table on Page 10, Mr. Bickford said the Army Corps and DEP would do all of the "real" work and the PB should be concerned only with aesthetics. In reply to a question from Mr. Roberts, Mr. McKean said he had applied for a DEP permit and the agency had said it would notify him of its decision in November.

Mr. Roberts said he thought it would be necessary for the PB to review the Findings of Fact, even though most were not applicable. Mrs. Kalloch suggested that Subsection C of Section 15 ("Land Use Standards") would be most useful and Mr. Bickford agreed. Mr. Roberts proceeded to review each of the seven points in this section. The PB determined that Subsections C(1), C(2), C(5), C(6) and C(7) were not applicable to the application before them.

ACTION: Mr. Roberts made a motion, seconded by Mrs. Kalloch, for a positive finding of fact on Subsection 15(C)(3) of the Cushing Shoreland Zoning Ordinance.
Carried 3-0-0

ACTION: Mr. Roberts made a motion, seconded by Mr. Remian, for a positive finding of fact on Subsection 15(C)(4) of the Cushing Shoreland Zoning Ordinance.
Carried 3-0-0

Mr. Roberts asked if Mr. McKean would have to come back to the PB with his DEP permit and Mr. Bickford said he would not since Mr. McKean would then be liable to the state. Mr. Roberts asked Mr. McKean to provide a copy of his DEP permit to the CEO when it was available. CEO Bickford noted that the DEP should mail him a copy directly. Mr. Bickford said he would issue a building permit, providing a copy for Garnett Robinson. Mr. McKean said he planned to construct his pier in the spring and asked that the building permit be mailed to Art Tibbetts.

5. Item not on the agenda: Doug McDougal from Engineering Dynamics introduced himself and said he was representing a request from James Tower to amend his 30% expansion to include the bathroom at the cabin on his property. Mrs. Kalloch asked why Mr. McKean cited Permit By Rule and Mr. Bonilla did not. Mr. Bickford said that a tier permit had replaced Permit by Rule piers; Mr. Tower's application had been submitted while Permit by Rule was still in effect.

Mr. McDougal said Mr. Tower wanted to add one foot to the expansion, which would still keep him within the 582.4 Sq. Ft. allowed. This would increase the bathroom from 7' to 8' in width. Mr. Bickford said the PB should have received an application to change the issued permit, which Mr. McDougal did not have. Mr. Bickford suggested attaching an amendment to the original plan and then amending the permit to include the additional foot requested. Mr. McDougal asked when Mr. Tower could expect to receive the amended permit and Mr. Bickford said he could mail it to Mr. Tower the next day. Mr. McDougal then asked if he could go ahead with construction without the permit in hand and the CEO said he could.

ACTION: Mr. Remian made a motion, seconded by Mr. Roberts, to put Mr. Tower's amended application on the agenda.
Carried 3-0-0

6. Walter Bonilla, application for pier permit, Map 5, Lot 17-2 Bayberry Lane, presented by Art Tibbetts, Marine Contractor: CEO Bickford said he had provided the members with Art Tibbetts' Permit By Rule (approved 5/17/05) and that the DEP had already approved the application. Mrs. Kalloch asked if the abutters had been notified and the PB agreed they had no indication that they had. CEO Bickford said Mr. Tibbetts was responsible for publishing his intent in the newspaper. Mr. Bickford said he had seen the site, next to Kingsley's antique shed. Mr. Roberts lead the discussion of the items under Subsection 15(C) of the Cushing Shoreland Zoning Ordinance. In regards to C(1), Mr. Roberts said that DEP had already investigated the issue of soil erosion.

ACTION: Mr. Roberts made a motion, seconded by Mr. Remian, for a positive finding of fact on Subsection 15(C)(1).
Carried 3-0-0

The PB determined that Subsections C(2), C(3), C(5), and C(6) were not applicable.

ACTION: Mr. Roberts made a motion, seconded by Mr. Remian, for a positive finding of fact on Subsection 15(C)(4).
Carried 3-0-0

ACTION: Mr. Remian made a motion, seconded by Mr. Roberts, for a positive finding of fact on Subsection 15(C)(7).
Carried 3-0-0

The PB members signed the application.

New Business:

Mr. Roberts said he would like the PB to start considering, with the help of attorney Greg Cunningham, adopting MDOT regulations for all roads in Cushing. He cited the difficulty of pulling out onto roads due to lack of a clear sight line.

ACTION: Mr. Roberts made a motion, seconded by Mr. Remian, to start the process of discussing development of a town ordinance to require the town to adopt the state line of sight regulations on all Cushing roads.
Carried 3-0-0

Mr. Remian said he felt all correspondence and plans should be channeled through the Town Office and not hand carried. He further suggested that such a procedure be made official and be written into the PB by-laws. Mr. Roberts suggested there also be a procedure that all signing of plans by PB members take place in the Town Office and that members be notified when plans were available for signing. Mr. Roberts said he would put something together for discussion at the next PB meeting. Mr. Remian suggested that members be asked to sign plans no more than twice a month.

Mrs. Kalloch said the fire protection issue should be discussed since the CEO had requested an official form from the Fire Chief certifying fire pond approval. Mr. Bickford agreed to develop a simple form for this purpose.

ACTION: Mr. Roberts made a motion, seconded by Mr. Remian, that Mr. Bickford draw up a simple form that stated that fire ponds, dry hydrants and other approved methods had been tested and approved by the Fire Chief of the Town of Cushing.
Carried 3-0-0

Adjournment: Mr. Remian made a motion, seconded by Mr. Roberts, to adjourn the meeting at approximately 8:10 pm. Carried 3-0-0.

Respectfully submitted,

Deborah E. Sealey
(Transcribed from the notes of Crystal Robinson and the audio recording)

Approved 9/6/05